



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

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October 11, 1995

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Mr. William F. Caton
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

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Re: In the Matter of: Telephone Number Portability
Policies; CC Docket No. 95-116

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Dear Secretary Caton:

Enclosed are an original and nine copies of the Reply Comments of the Pennsylvania Public Utility Commission in the above-referenced proceeding.

Please do not hesitate to contact the undersigned if you have any questions regarding this matter. Thank you for your assistance.

Very truly yours,

Maureen A. Scott
Assistant Counsel

MAS/ms

Encl.

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of)

TELEPHONE NUMBER PORTABILITY)
POLICIES)
_____)

CC Docket No. 95-116
RM 8535

**REPLY COMMENTS OF THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Pennsylvania Public Utility Commission ("PaPUC" or "Pennsylvania PUC") appreciates the opportunity to file these comments in response to the initial comments of others on the FCC's inquiry into national telephone number portability policies.

The Commission in its NPRM recognizes that State regulators have a legitimate interest in the development of number portability and that they are already conducting tests and deploying number portability measures. (para. 32). The Pennsylvania PUC recently approved applications filed by MFS Intelenet of Pennsylvania, TCG Pittsburgh, MCI Metro Access Transmission Services and Eastern Telelogic Corporation to provide local service in various service areas in Pennsylvania in competition with the incumbent LEC, Bell Atlantic.¹

¹See Application of MFS Intelenet of Pennsylvania, Incorporated for a certificate of public convenience and necessity in order to operate as a local exchange telecommunications company in the areas served by Bell Telephone Company of Pennsylvania within the Philadelphia and Pittsburgh LATAs, and to establish specific policies and requirements for the interconnection of competing local exchange networks, Docket No. A-310203F0002; Application of TCG Pittsburgh for a Certificate of Public Convenience and Necessity to Operate As a Local Exchange Telecommunications Company in the Pittsburgh LATA, Docket No. A-310213F0002;

Speaking to the issue of telephone number portability, the PaPUC concluded:

"[N]umber portability is an essential component to fostering competition. We reach this conclusion in light of the evidence showing that customers are simply reluctant to switch their local exchange carrier if that entails the loss of their telephone number. We also reach this conclusion because refusal to provide number portability, even on an interim basis as we do here, could erect a substantial impediment to competition."

PaPUC Order at pp. 54-55.

In our proceeding at the State level, parties presented evidence on five different methods for attaining telephone number portability: Foreign Exchange, NXX reassignment, Remote Call Forwarding, Enhanced Remote Call Forwarding, Direct Inward Dialing ("DID"), Dedicate Trunk Routing, Route Index/Portability Hub, Hub Routing with Advanced Intelligent Network (AIN).² We ultimately adopted Flexible Co-Carrier Forwarding, which is technologically similar to the Remote Call Forwarding considered and used in other states, as an interim solution. We reached this conclusion because technological interconnection is necessary to creating a seamless and open network architecture and because Co-Carrier Forwarding is much better than DID in terms of its beneficial impact on competition.³

Application of MCI Metro Access Transmission Services, Inc. for A Certificate of Public Convenience and Necessity to Provide and Resell Local Exchange Telecommunications Services in Pennsylvania; and Application of Eastern Telelogic Corporation For a Certificate of Public Convenience and Necessity to Provide and Resell Local Exchange Telecommunications Services in the Areas Served by Bell Atlantic-Pennsylvania, Inc. with the Philadelphia LATA, A-310258F0002, Opinion and Order, (Order Entered October 4, 1995).

²Enhanced Remote Call forwarding is not yet available and Route Index-Portability Hub and Hub Routing with AIN are not yet technically feasible.

³PaPUC Order at p. 55.

In our Order, we acknowledged recent federal developments including the FCC's NPRM and proposed federal legislation on this issue, and the fact that further study is needed. PaPUC recently held a public forum on long-term number portability solutions where representatives from Bell Atlantic, MCI, AT&T, the Pennsylvania Telephone Association, Eastern Telelogic, Teleport and GTE gave presentations on long-term number portability issues and solutions. Like several other States, we are also considering establishing a telephone number portability task force to begin to examine this issue in Pennsylvania. We are unable at this time to file extensive comments in response to many of the technical issues raised in the NPRM, since we have not yet considered the issue of long-term telephone number portability in any detail.

However, after our review of the comments presented in this proceeding, we agree with other State commenters that given the significant State interests in this issue, the Commission should not take any hasty action to preempt State policies governing telephone number portability.⁴ As many commenters recognize, the States are currently playing a major role in advancing number portability.⁵ Additionally, the PaPUC agrees with the comments of a diverse group of parties that many considerations weigh in favor of continued State involvement in this

⁴See Comments of the Illinois Commerce Commission, Comments of the Public Utilities Commission of Ohio, Comments of the People of the State of California and the Public Utilities Commission of the State of California and Comments of the New York Department of Public Service.

⁵Comments of MFS Communications Company, pp. 7-9; Cincinnati Bell Telephone Comments at pp. 6-7; Comments of the Ad Hoc Coalition of Competitive Carriers, pp. 8-9; Comments of the Association for Local Telecommunications Services, p. 17; National Association of Regulatory Commissioners' Initial Comments, pp. 4-5; MCI Comments, pp. 5-6; Comments of the Pacific Companies, pp. 1-2.

area.⁶ As the Public Utilities Commission of Ohio noted in their comments:

"A single national solution would be unlikely to suit the individual market and technical needs of the various states. Furthermore, the time required to develop a national solution would certainly delay the deployment of number portability in many states that are already well into the pursuit of a number portability solution for their respective states."⁷

The Illinois Commerce Commission, one of the leading States on this issue, noted that:

"...[b]ecause of varying regional needs, a phased approach, with early implementation in areas with rising competitive pressures.....is likely to be more cost-effective than a flash cut nationwide."⁸ Moreover, the Ohio Commission also pointed out that with a national solution, "states with more technically advanced network deployments, higher minimum service standards, and/or larger numbers of competitive entrants might be unable to tailor their number portability solution to take advantage of those factors." PUCO Comments at 3.

⁶See Comments of MCI, p. 6 ("MCI believes that the Commission can and should play an important role in guiding the industry and state commissions in developing number portability solutions. However, the state commissions should continue to play the pivotal role in selection of the portability model to be used in their states."); Comments of TDS Telecom, p. 4 ("The Commission should not, however, mandate the implementation of local number portability or preempt state authority even for changes in service provider in the same market. Each state should retain the authority to require local provider number portability for service provider changes as it tailors its policies towards local competition."); Comments of Ameritech, p. 4 ("Ameritech believes that the actual development and implementation of specific number portability services should be done by the industry through cooperative efforts of all affected providers and state regulators."); Comments of Citizens Utility Company, p. 8 ("Where state or local initiatives are moving forward to achieve local number portability, Commission policies should work hand-in-hand with those efforts.")

⁷See Comments of the Public Utilities Commission of Ohio, p. 2.

⁸Comments of the Illinois Commerce Commission, p. i; Comments of BellSouth, p. 51 ("State regulators are in the best position to determine when market demand and competitive forces dictate the need for number portability in their jurisdictions.")

Nonetheless, given our common goals, we believe that implementation of telephone number portability should be a cooperative venture between Federal and State regulators. In this regard, we agree with the Illinois Commerce Commission and the Public Utilities Commission of Ohio that the FCC may want to consider the establishment of a Federal/State Joint Board to consider nationwide number portability policies, in particular inter-jurisdictional issues relating to cost recovery and interconnection. The FCC should also consider the NARUC's recent proposal to act as a clearinghouse for information relating to ongoing State number portability trials.⁹

Finally, like other commenters, we also recognize that there may be a need for national guidance and uniformity on some issues. We agree that FCC oversight or intervention will be necessary to ensure that individual solutions may technically coexist on a nationwide basis, and to ensure efficient use of numbering resources.¹⁰ However, as the Public Utilities Commission of Ohio notes, "[t]he role of the FCC should include the development of rules by which states could select and implement number portability solutions that meet their individual needs but also

⁹A recent NARUC resolution recognized the importance of the information generated in State trials in determining the need for and development of a long-term, national number portability solution. NARUC itself has offered to serve as an information clearing house for such empirical information. See Resolution on the FCC's Notice of Proposed Rulemaking on Number Portability, NARUC Executive Committee and Committee on Communication, 1995 Summer Meeting in San Francisco, California.

¹⁰Accord Comments of Ameritech, p. 4 ("Number portability often relates specifically to local exchange services or functions, and in those cases should be developed and implemented locally based upon available technologies and service designs that best fits the network of local providers and best meets the needs of local customers. The Commission can facilitate this process by providing a national framework for service compatibility and by facilitating the industry's development of detailed interconnection and interface specifications.")

adhere to defined technical interface standards and comport with national policies."¹¹ Beyond this, like other commenters we believe it is premature for the Commission to presume a need for one uniform technical arrangement or a need for expedited nationwide implementation.¹² A broad, flexible Federal framework in this area would permit: "States and industry collaborations which have already made progress ... to go forward, within the Commission's functional and interoperability guidelines, rather than being frozen in place during the arduous, and perhaps fruitless, pursuit of a single national system."¹³


¹¹See Comments of the Public Utilities Commission of Ohio, p. 2.

¹²See Comments of Ameritech, p. 5. ("The Commission should avoid the temptation to rush in and choose the alleged 'best available' technical solution from among the technical alternatives presented in the NPRM.. No single national platform may be required to achieve national interoperability, nor is it clear that any one technical arrangement will best meet the varying local circumstances of providers in each jurisdiction."); Comments of Citizens Utility Company ("There is an appropriate federal interest in assuring nationwide availability of local number portability. However, this interest does not necessarily require the imposition of a single national number portability database system, nor even of a detailed set of 'cookie-cutter' specifications which would mandate that precisely the same system be implemented in each state or local area. Citizens believes that it is appropriate and necessary for the Commission to establish minimum functional requirements and interoperability standards to which all local number portability solutions must conform. In this way, internally different local number portability solutions can be implemented and still be compatible with each other.")

¹³Comments of Citizens Utility Company, p. 9.

In conclusion, the PaPUC believes that implementation of telephone number portability must be a cooperative venture between the FCC and States. Any federal guidelines adopted by the FCC should be broad and flexible enough to accommodate individual State solutions which increasingly are being achieved through consensus building with industry and which are tailored to best meet the needs of their citizens.

Respectfully submitted,



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